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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROGER RANDOLPH,

 Petitioner,

 v.

RENEE BAKER, et al.,

 Respondents.

Case No. 2:18-cv-00449-RFB-VCF

ORDER

Petitioner has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and an application to proceed *in forma pauperis* (ECF Nos. 1, 1-1). The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, an inmate petitioner must complete the proper form for an application to proceed *in forma pauperis* and must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner did not attach a properly executed financial certificate or an inmate account statement for the past six months. The application, therefore, is incomplete.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice may materially affect a later analysis of any timeliness issue with

1 regard to a new action.¹ Accordingly, petitioner shall have forty-five (45) days to submit
2 a fully completed application to proceed *in forma pauperis* by an inmate.

3 **IT IS THEREFORE ORDERED** that petitioner's incomplete application to
4 proceed *in forma pauperis* (ECF No. 1) is **DENIED** without prejudice as set forth in this
5 order.

6 **IT IS FURTHER ORDERED** that within **forty-five (45) days** of the date of this
7 order petitioner shall either submit the \$5.00 filing fee or submit a fully completed
8 application to proceed *in forma pauperis* on the proper form and shall include a properly
9 executed financial statement and an inmate account statement for the past six months.

10 **IT IS FURTHER ORDERED** that if petitioner fails to comply with this order, this
11 action may be dismissed without prejudice.

12 **IT IS FURTHER ORDERED** that the Clerk **shall send** petitioner two copies of
13 the application to proceed *in forma pauperis* by an inmate, along with the instructions.

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15 DATED: April 19, 2018.

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18 RICHARD F. BOULWARE, II
19 UNITED STATES DISTRICT JUDGE

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28 ¹ Petitioner indicates that the Nevada Supreme Court affirmed his convictions on direct appeal on January 30, 2015, and that the Nevada Supreme Court affirmed the denial of his state postconviction petition on June 14, 2017 (ECF No. 1-1). He submitted his federal habeas petition for mailing on March 6, 2018. *Id.*